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STATUTORY INSTRUMENTS

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**2020 No. 759**

**The Criminal Procedure Rules 2020**

**PART 45**

**COSTS**

*PAYMENT OF COSTS BY ONE PARTY TO ANOTHER*

**Costs on an application**

**45.7.**—(1) This rule—

- (a) applies where the court can order a party to pay another person’s costs in a case in which—
  - (i) the court decides an application for the production in evidence of a copy of a bank record,
  - (ii) a magistrates’ court or the Crown Court decides an application to terminate a football banning order,
  - (iii) a magistrates’ court or the Crown Court decides an application to terminate a disqualification for having custody of a dog,
  - (iv) the Crown Court allows an application to withdraw a witness summons, <sup>F1</sup>...
  - (v) the Crown Court decides an application relating to a deferred prosecution agreement under rule 11.5 (breach), rule 11.6 (variation) or rule 11.7 (lifting suspension of prosecution), [<sup>F2</sup>or]

[<sup>F3</sup>(vi) the Crown Court decides an application in the restraint and receivership proceedings to which Part 33 (Confiscation and related proceedings) applies; and]

[<sup>F4</sup>(b) authorises the Crown Court, in addition to its other powers, to order a party to pay another party’s costs—

- (i) on an application to that court under rule 11.5, 11.6 or 11.7, or
- (ii) on an application in the restraint and receivership proceedings to which Part 33 applies.]

(2) The court may make an order—

- (a) on application by the person who incurred the costs; or
- (b) on its own initiative.

(3) A person who wants the court to make an order must—

[<sup>F5</sup>(a) apply—

- (i) as soon as practicable, in every case, and in any event
- (ii) in restraint or receivership proceedings, no later than 20 business days after the conclusion of the application or proceedings in respect of which costs are sought;]

(b) notify each other party; and

- (c) specify—
- (i) the amount claimed, and
  - (ii) against whom.
- (4) A party who wants to oppose an order must make representations as soon as practicable.
- (5) If the court makes an order, it may direct an assessment under rule 45.11, or assess the amount itself.
- [<sup>F6</sup>(6) In restraint proceedings to which Part 33 (Confiscation and related proceedings) applies—
- (a) the court may make more than one costs order but no one costs order may be made in respect of more than one application to make, vary or discharge a restraint order;
  - (b) the court must not order the defendant to pay the prosecutor’s costs unless—
    - (i) the prosecutor succeeds, and
    - (ii) the defendant acted unreasonably;
  - (c) the court must not order the prosecutor to pay the defendant’s costs unless—
    - (i) the defendant succeeds, and
    - (ii) the prosecutor acted unreasonably;
  - (d) in deciding whether a party has succeeded the court must take into account the extent of any difference between the terms of the order sought and the terms of the order (if any) made; and
  - (e) in deciding whether it was reasonable to make an application the success of any previous such application is not conclusive.]

[Note. See—

- (a) rule 45.2;
- (b) section 8 of the Bankers Books Evidence Act 1879(1);
- (c) section 14H(5) of the Football Spectators Act 1989(2);
- (d) section 2C(8) of the Criminal Procedure (Attendance of Witnesses) Act 1965(3); and
- (e) section 4(7) of the Dangerous Dogs Act 1991(4).

Section 52 of the Senior Courts Act 1981 allows rules of court to authorise the Crown Court to order costs.]

#### Textual Amendments

- F1** Word in rule 45.7(1)(a)(iv) omitted (1.4.2024) by virtue of [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), [rules 1](#), [11\(c\)\(i\)](#)
- F2** Word in rule 45.7(1)(a)(v) substituted (1.4.2024) by [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), [rules 1](#), [11\(c\)\(ii\)](#)
- F3** Rule 45.7(1)(a)(vi) inserted (1.4.2024) by [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), [rules 1](#), [11\(c\)\(iii\)](#)
- F4** Rule 45.7(1)(b) substituted (1.4.2024) by [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), [rules 1](#), [11\(c\)\(iv\)](#)

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- (1) 1879 c. 11.
  - (2) 1989 c. 37; section 14H was substituted, together with sections 14, 14A-14G and 14J, for existing sections 14-17, by section 1 of, and paragraphs 1 and 2 of Schedule 1 to, the Football (Disorder) Act 2000 (c. 25).
  - (3) 1965 c. 69; section 2C was substituted with section 2, 2A, 2B, 2D and 2E, for the existing section 2 by section 66(1) and (2) of the Criminal Procedure and Investigations Act 1996 (c. 25).
  - (4) 1991 c. 65.

- F5** Rule 45.7(3)(a) substituted (1.4.2024) by The Criminal Procedure (Amendment) Rules 2024 (S.I. 2024/62), rules 1, **11(c)(v)**
- F6** Rule 45.7(6) inserted (1.4.2024) by The Criminal Procedure (Amendment) Rules 2024 (S.I. 2024/62), rules 1, **11(c)(vi)**
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**Commencement Information**

- I1** Rule 45.7 in force at 5.10.2020, see Preamble

**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Procedure Rules 2020, Section 45.7.